



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MA 01545-5398

June 6, 2006

PUBLIC HEARING: Rene and Steve Olivieri, 24 Richard Ave., Shrewsbury, MA

PURPOSE: To hear the appeal of Rene and Steve Olivieri, 24 Richard Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and a variance to Section VII, Table II, to allow the construction of a second story addition upon property located at 24 Richard Ave. maintaining the existing nonconforming setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 27 as Plot 358.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Mr. Olivieri: May we approach with a plot plan. We also have some designs of the house. We have five copies of this and only one of this. I'm sorry that we didn't make more.

(Mr. Olivieri presented the materials to the board members.)

On this we added the farmer's porch. Would you like me to explain this real quickly? This is the current house, the front of the house, the back of the house. This right here is the proposed modification. We did ask them to correct this because we wanted a 6 ft. farmer's porch, which is what has been drawn on this. So, you'll see the addition of this little roof lip right here which is different from here, but everything else remains the same. So, again, the current house is this one and this would be the new one. This is the back of the proposed change as well.

Mr. George: Is the farmer's porch right here?

Mr. Olivieri: Yes, which is this porch right here. We may change and just put spindles right here.

Mr. Confalone: Nothing from here over is changing though?

Mr. Olivieri: No.

Mr. Confalone: Just up here?

Mr. Olivieri: We're changing this. On this side here we would add a door in the back of the house.

Mr. Confalone: Okay.

Mr. Olivieri: Originally, when they made the modification before we bought the home they turned the breezeway into the full kitchen. We're sort of turning it back into this becoming a mudroom and this becoming the kitchen. So, we're converting back.

Mr. George: The farmer's porch will go to this point here?

Mr. Olivieri: Correct. It will come out towards the edge of the garage. This is the back and this right over here comes up to the edge of the garage.

Mr. Confalone: Can you do what you just did for Mr. Gordon's benefit?

Mr. Olivieri: Sure. Would you like me to take all of these?

Mr. Confalone: Sure.

Mr. Olivieri: This is the current house so, here's the front. This is the back. We have a cape with a little dormer off the back. Before we bought the house about nine or ten years ago they converted the breezeway into a full kitchen, not a particularly favorable design for us at the moment. That's why we're looking to change and to build upwards. This is the proposed sketch.

Mr. Gordon: Okay, so you're going up only over the house now; not over the garage?

Mr. Olivieri: Not over the garage, correct. If you look right here there's a little roof over the kitchen door. We're just extending that farmer's porch roof to meet up and match.

Mr. Gordon: Yes. Okay, now that will become a breezeway again? Is that correct?

Mr. Olivieri: Yes. This will become a mudroom inside and the kitchen is the main part of the house.

Mr. Gordon: It's staying a one-car garage?

Mr. Olivieri: Yes. Yes, nothing to the side, only upwards and with a 6 ft. farmer's porch it comes out just a little bit. We just brought this one; this was a modification to the drawing because in this one it was a 4 ft. farmer's porch but when you make it a six we just had to correct the roofline. You can see that this one has a little roof coming over this section where that one did not.

Mr. Gordon: Okay.

Mr. Olivieri: This is the back of the house. There's a slider there.

Mr. Gordon: So, you're closing off that slider?

Mr. Olivieri: Right. We're taking this slider and moving it over to here and having a deck off of the back put on.

Mr. Gordon: All right.

Mr. Olivieri: Does that answer your question?

Mr. Gordon: Yes. I have no problems. Ron, the farmer's porch, is that going to require another variance?

Mr. Alarie: No. It was kind of a generic citation in the advertisement because there was a request in the appeal for a variance and a special permit, but since he didn't have the completed plans with it, I couldn't get specific in the ad as to a distance from the street. But the variance is referenced in the legal ad.

Mr. Gordon: Okay. We can finish it now, tonight?

Mr. Alarie: Yes.

Mr. Gordon: This second story is pretty much what we approved on Maple Circle except that it's probably a little bit fancier?

Mr. Alarie: There are a couple of homes in this neighborhood where the second stories have been added in the recent past.

Mr. Gordon: I'm all set.

Mr. Rosen: Okay. If it weren't for the farmer's porch, then it would just be a special permit?

Mr. Alarie: The second-story addition requires the issuance of the special permit due to the nonconforming setbacks.

Mr. Rosen: It would just be a special permit if it weren't for the farmer's porch?

Mr. Alarie: Correct and, as I said, the Table II variance referenced would be for that extension towards the front setback for the porch.

Mr. Rosen: Okay. Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Rene and Steve Olivieri, 24 Richard Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and a variance to Section VII, Table II, to allow the construction of a second story addition upon property located at 24 Richard Ave. maintaining the existing nonconforming setbacks of said property.

The appellants' property is legal nonconforming with respect to its land area and its front yard setback. They propose to construct a second story addition over a portion of the existing structure and to add a farmer's porch to its front elevation. The second story addition would maintain the dwelling's existing front yard and southerly side yard setbacks and the porch would reduce the existing front yard setback by 2 ft.

The board found that, upon review of this appeal, the proposed alterations and expansion of the Olivieri's home would not materially change its nonconforming configuration and that the reduction of the front yard setback by 2 ft. for the open farmer's porch would not significantly depart from the intent of the Zoning Bylaw. They noted that the existing structure is of Cape-style construction and it was their opinion that its conversion to a Colonial-style residence would compliment the general character of many of the other homes within this neighborhood. They also found that the issuance of the special permit and the variance to effect the appellants' plans would not create any condition that would adversely impact the welfare of either the general public or area residents and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. G	Yes
Mr. C	Yes
Mr. S	Yes

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ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MA 01545-5398

June 6, 2006

PUBLIC HEARING: Alan Hokanson, 205 North Quinsigamond Ave., Shrewsbury, MA.

PURPOSE: To hear the appeal of Alan Hokanson, 205 North Quinsigamond Ave., Shrewsbury, MA, for special permits as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and Section VI, Table I, to allow the construction of an addition to be occupied as an in-

law apartment upon property located at 205 North Quinsigamond Ave., maintaining the existing nonconforming setbacks of said property . The subject premises is described on the Shrewsbury Assessor's Tax Plate 25 as Plot 9.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Mr. Rosen: Please identify yourself for the record and make your presentation.

Mr. Hokanson: I'm Alan Hokanson. Do you have any copies?

Mr. Rosen: No.

Mr. Hokanson: It's an addition for my daughter who lives with us. I just wanted to add on to give her some breathing room. I have a picture of the existing house.

(Mr. Hokanson presented pictures and plans to the board members.)

The 28 ft. addition is coming down the driveway. The end of it is going to look just like it does now, a garage under with the unit above. I have to tie into sewerage. There's a septic system that is right on the corner of where the building is going to go. I have some old drawings here. Where I put the yellow is where the addition is going to go. This is the original septic system plan which shows where the leach pit is and the tank, which is being removed. This is the existing house here and this is 28 ft. towards the street.

Mr. Rosen: Do you have a floor plan? What are the dimensions of the addition?

Mr. Hokanson: It's 24 ft. by 28 ft.

Mr. Confalone: It's extending down the drive; he's just going to have a smaller driveway.

Mr. Rosen: So, you're going to be blocking off the garage, blocking off access?

Mr. Hokanson: No, the garage will be added on in front of that. So, what is the garage now will be just storage and work area.

Mr. Confalone: You're just essentially going to have a shorter driveway.

Mr. Hokanson: Correct. Right now it's over 150 ft. long. This is the side elevation and that's the proposed addition.

Mr. Rosen: Do you know about the restrictions on in-law apartments?

Mr. Hokanson: About what?

Mr. Rosen: In-law apartments regarding that it has to be a family member living there?

Mr. Hokanson: Yes.

Mr. Rosen: Okay. Are there any questions?

Mr. Gordon: I just have a couple. This whole thing will be above the garage?

Mr. Hokanson: Yes, it will.

Mr. Gordon: The apartment will be above the garage. Is there some reason you're not tying into town sewerage?

Mr. Hokanson: I am going to.

Mr. Gordon: Oh, you are going to tie into it?

Mr. Hokanson: Right. That was one of the things that I would have to do first in order to put this addition up because the sewer line runs right down the driveway or the septic system. I would have to break the tank and tie into sewerage before I could even think of putting up the addition.

Mr. Gordon: Okay. This is for your daughter?

Mr. Hokanson: Yes. She lives with us know. She just got engaged so she doesn't want to move out.

Mr. Gordon: I have one of those. Would you have a problem if we had a sunset provision that, if your daughter moved out, you would have to come back for another permit? It has to be a family member. What we've been doing is putting in a sunset provision that, when that family member moves out, you have to come back here and show us that it's another family member.

Mr. Hokanson: Okay.

Mr. Alarie: I thought that board's stipulation on issuing the permit related to the appellant's occupancy and ownership of the property?

Mr. Gordon: When he moves?

Mr. Rosen: Yes.

Mr. Gordon: Okay.

Mr. Rosen: When he's done with the property and it's sold.

Mr. Gordon: Okay. That's even better. So, when you move, if your daughter chases you out.

Mr. Rosen: The roofing and siding are going to be the same?

Mr. Hokanson: I might have to rip the whole roof off and put a whole new roof on when I put this addition on in order to make it look right.

Mr. Rosen: Okay.

Mr. Hokanson: If I can't match the vertical siding that I have on there, I would have to side the whole house.

Mr. Rosen: Okay.

Mr. Hokanson: It's not going to look shabby when it's done.

Mr. Gordon: Is your house the new house or is it the rebuilt house?

Mr. Hokanson: No, no. I'm neither one of them. I'm on the other side of Frongillo's house.

Mr. Gordon: Okay, the two of them?

Mr. Hokanson: The two of them and then next to them was Frongillo's with the horseshoe driveway.

Mr. Gordon: Yes.

Mr. Hokanson: I'm right next to Frongillo. I built the house about 35 years ago.

Mr. Gordon: You're right next door to Frongillo?

Mr. Hokanson: Yes.

Mr. Gordon: Oh, then our map is wrong.

Mr. Alarie: I think that the wrong plot is highlighted, Mr. Gordon.

Mr. Gordon: Yes, okay. I thought so, but I wasn't sure.

Mr. Rosen: Are there any other questions? Is there anyone in attendance who has any questions? Seeing no further comment, we'll take the matter under advisement and notify you of our decision.

Decision

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Alan Hokanson, 205 North Quinsigamond Ave., Shrewsbury, MA, for special permits as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and Section VI, Table I, to allow the construction of an addition to be

occupied as an in-law apartment upon property located at 205 North Quinsigamond Ave., maintaining the existing nonconforming setbacks of said property.

The appellant's property is nonconforming with respect to its frontage and side yard setbacks. The lot is but 50 ft. in width which precludes any expansion of the existing structure, either laterally or vertically, in conformance with the minimum 30 ft. side yard setback applicable to this zoning district. The parcel is approximately 350 ft. in depth with the existing residence situated about 150 ft. in from North Quinsigamond Ave. and the board found that the extension of this structure 28 ft. towards the street maintaining its current side yard setbacks would not materially alter its nonconforming features. They also found that the occupancy of the addition as an in-law apartment was consistent with the intent of the Zoning Bylaw in permitting such accessory living accommodations within or attached to a single family home. It was their opinion that the issuance of both special permits would not create any condition which would be harmful or injurious to the welfare of either the general public or area residents and, therefore, unanimously voted to grant the appeal as presented to the board. The special permit for the in-law apartment is granted with the stipulation that the rights authorized thereby shall remain in effect for that period of time that the appellant owns and occupies the subject premises.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Archie P. Shadbegian, Jr., 120 Old Mill Road, Shrewsbury, MA

PURPOSE: To hear the appeal of Archie P. Shadbegian, Jr., 120 Old Mill Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the construction of an addition to be occupied as an in-law apartment upon property located at 120 Old Mill Road. The subject premises is described on the Shrewsbury Assessor's Tax Plate 26 as Plot 16-1.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Mr. Rosen: Please identify yourself for the record and make your presentation.

Mr. Shadbegian: My name is Archie Shadbegian from Old Mill Road and this is my wife Sharon.

(Ms. Shadbegian presented materials to the board members.)

Ms. Shadbegian: The actual purpose of our applying for this special permit is for health issues. My mother, who is 84 years old, has begun to get severe limitations. She lives with my sister whose health has been compromised recently. We plan on the addition for my mother. My sister will be moving in with us and my mother will be right in the addition. We're trying to give her as much independence as she can at 84 years old so we're going to put in a very small kitchen, a bedroom, a bathroom and a very small laundry.

It will be attached to our house. Anyone here is welcome to come by our house and view it on Old Mill Road. Our house is currently a ranch house with a small addition on the back. If you were to look at it from an aerial view, our house looks like a T. With this addition being put on, which will be approximately 763 sq. ft., if you were to look at it from an aerial view it would look, depending on which way you were looking at it, like a capital I or an H. That's kind of giving you a visual.

So, it's my mother who's moving into the in-law and my sister's moving in with us. It's both due to health issues.

Mr. Rosen: Are there any questions from the board?

Mr. Gordon: Do you know the restrictions on the in-law apartment and who can live there? It has to be a family member.

Ms. Shadbegian: Yes, we do.

Mr. Gordon: We usually have a sunset restriction when we grant these. Do you have any problem with us granting this and allowing it as long as you own the property?

Ms. Shadbegian: No.

Mr. Rosen: Is there anyone in attendance who has any questions regarding this matter? Seeing no further comment, we'll take the matter under advisement and notify you of our decision.

Decision

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Archie P. Shadbegian, Jr., 120 Old Mill Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the construction of an addition to be occupied as an in-law apartment upon property located at 120 Old Mill Road. The subject premises is described on the Shrewsbury Assessor's Tax Plate 26 as Plot 16-1.

Upon review of this appeal, the board found the appellant's proposal to construct a small in-law apartment to the rear of his home and its occupancy by his mother-in-law to be in complete accord with the intent of the Zoning Bylaw in permitting such accessory living accommodations within or attached to a single family residence. It was their opinion that the granting of the special permit would not create any condition which would be harmful or injurious to the welfare of either the general public or of area neighbors and,

therefore, unanimously voted to grant the appeal as presented to the board subject to the following:

1. The in-law apart shall not be occupied by more than three individuals, all of whom shall be related to the principal occupants of the premises.
2. The rights authorized by this granting shall remain in effect only during that period of time that Mr. and Mrs. Shadbegian own and occupy the subject premises.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Mark A. Freeman, 17 Stonybrook Lane, Shrewsbury, MA.

PURPOSE: To hear the appeal of Mark A. Freeman, 17 Stonybrook Lane, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the placement of a gazebo 4 ft. from the side lot line of property located at 17 Stonybrook Lane. The subject premises is described on the Shrewsbury Assessor's Tax Plate 28 as Plot 236-68.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Mr. Rosen: Please identify yourself for the record and make your presentation.

Mr. Freeman: I have some copies to present?

Mr. Rosen: Please.

(Mr. Freeman presented materials to the board members.)

Mr. Freeman: What I handed out is the assessor's map with the gazebo placement on it, which I don't think I did with the original filing and paperwork.

Mr. Rosen: Okay, make your presentation.

Mr. Freeman: My name is Mark Freeman. I live at 17 Stonybrook Lane in Shrewsbury with my wife, Nancy, and my four boys.

We are interested in a variance with regard to a gazebo that is 12 ft. by 18 ft. in dimension. A fence is about a foot away from the property line. The gazebo would be 3 ft. further in from the fence so the gazebo would be 4 ft. from the property line.

We're really looking for it for a safety issue. I have four boys that are growing and very active. I wanted to maximize the amount of space that I would have in the end where the pool decking is for the seating. If the gazebo was in a little further, I really feel that it would minimize the space that's a high traffic area where you come down the steps right into that lower end of the pool.

Mr. Rosen: So, you would consider that to be your hardship?

Mr. Freeman: Yes.

Mr. Rosen: Have you spoken to your neighbors on this side?

Mr. Freeman: Yes. Both abutters have made positive comments about the gazebo.

Mr. Rosen: Okay. Is it already up?

Mr. Freeman: Yes.

Mr. Rosen: Okay.

Mr. Freeman: You have the pictures.

Mr. Rosen: How were you made aware of this?

Mr. Freeman: I didn't know about the 10 ft. requirement and so it's in. I was working with Dan Metzler from Decks Plus who I had worked with previously. Unfortunately, I didn't know what I didn't know. He apologized. He said that they usually tell the homeowners about permits as a courtesy and I didn't get that courtesy, unfortunately.

Mr. Rosen: Are there any questions from the board?

Mr. Gordon: Yes, I've just got one. Another hardship that you have is the wetlands right behind you. Is that correct?

Mr. Freeman: I guess, yes.

Mr. Gordon: So, basically, you're limited to where you could put this gazebo?

Mr. Freeman: Yes.

Mr. Gordon: Okay. If I remember, the issue's with all the open space and the wetlands behind you so the hardship is with the land. Wouldn't you agree that there's a hardship with the land?

Mr. Freeman: There are only certain places that I could put it, to your point.

Mr. Gordon: Okay. Thank you, I'm fine.

Mr. Rosen: Is there anyone else?

Mr. Confalone: No, as long as there is nowhere else you can put it that's the hardship.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Mark A. Freeman, 17 Stonybrook Lane, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the placement of a gazebo 4 ft. from the side lot line of property located at 17 Stonybrook Lane.

Upon review of this appeal, the board noted that there are two conditions affecting the subject premises that create an undue hardship to the appellant in his attempt to maintain the siting of a gazebo upon his property. The configuration of the lot severely tapers inwards to the rear of his home and this feature, coupled with extensive wetlands located throughout the rear of the parcel, significantly limits the placement of such accessory structures thereon in conformance with the applicable requirements of the Zoning Bylaw. It was their opinion that, in this instance, the reduction of the minimum side yard setback for this primarily open structure would not materially depart from the intent of the bylaw or create any condition which would adversely impact the welfare of residents of this neighborhood. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Ban K. Coolidge, 28 Tatum Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Ban K. Coolidge, 28 Tatum Road, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side and Rear Yard Requirements, Residence B-2 District, to allow the construction of a carport 3 ft. and 16 ft. from the side and rear lot lines, respectively, of property located at 28 Tatum Road. The subject premises is described on the Shrewsbury Assessor's Tax Plate 32 as Plot 522.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Mr. Rosen: Please make your presentation.

Mr. Coolidge: I pretty much don't have paperwork. I just got out of work so I came here. I hope you have some information.

Mr. Rosen: Do you want to tell us what you're putting up?

Mr. Coolidge: Yes. My name is Ban Coolidge, the son of Francis Coolidge, foster parents. I live in their house.

I would like to get permission to build a carport. There was a garage over there before and then the guy before me put the pool in there. Then, when I came in, I took the pool out. I would like to put a carport in there now.

I talked to my neighbors. Everybody said it's fine.

Mr. Rosen: Is this going to be a single width garage?

Mr. Coolidge: This is going to be for two cars.

Mr. Rosen: Okay.

Mr. Coolidge: It's going to be 22 ft. by 20 ft.

Mr. Rosen: Is it just going to be one story or is there going to be a second floor?

Mr. Coolidge: Just one story, yes.

Mr. Rosen: Are there any questions?

Mr. Gordon: The carport is just going to have a roof and poles?

Mr. Coolidge: Yes, sir.

Mr. Gordon: Is it going to be metal or is it going to be wood?

Mr. Coolidge: It's going to be wood, yes.

Mr. Gordon: Just a roof and poles, okay. Is it going to be of professional construction or are you putting it up yourself?

Mr. Coolidge: Pretty much I'm going to do it myself, sir, because I used to work in carpentry before and I am experienced in building.

Mr. Gordon: Has the building inspector seen any plans?

Mr. Alarie: No, not as yet.

Mr. Gordon: You'd have to see plans before it was built, would you not?

Mr. Alarie: If he is granted the variances, then Mr. Coolidge would have to apply for a building permit with the appropriate plans for us to review.

Mr. Gordon: Are there standards in a carport? I don't know.

Mr. Alarie: It would have to comply with the structural standards of the State Building Code.

Mr. Gordon: Okay, so it would be a roof and legs?

Mr. Coolidge: Yes, sir.

Mr. Gordon: Is it going to be a pitched roof or is it going to be a flat roof?

Mr. Coolidge: A pitched roof, yes.

Mr. Gordon: Okay, so it's going to fit in with the house and the neighborhood? It's going to be on the existing asphalt that's pretty much back there?

Mr. Coolidge: Yes, sir.

Mr. Rosen: Have you spoken to your neighbors?

Mr. Coolidge: Yes, yes. I went around and talked with my neighbors.

Mr. Rosen: Okay.

Mr. Gordon: It's only going to be one story high?

Mr. Coolidge: Yes, sir.

Mr. Gordon: It'll be large enough for the cars to get in and out?

Mr. Coolidge: Yes.

Mr. Gordon: There will be no sides and no back and no front?

Mr. Coolidge: No.

Mr. Rosen: Does anyone have any questions? Does anyone in attendance have any questions? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to granted the appeal of Ban K. Coolidge, 28 Tatum Road, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side and Rear Yard Requirements, Residence B-2 District, to allow the construction of a carport 3 ft. and 16 ft. from the side and rear lot lines, respectively, of property located at 28 Tatum Road.

Upon review of this appeal, the board noted that the subject premises is nonconforming with respect to both its area and frontage and that the site once housed a detached garage and a swimming pool located approximately where the appellant proposes to install the carport. It was their opinion that, due to the size of the parcel, which is only 5,000 sq. ft. in area, the literal application of the terms of the Zoning Bylaw would impose a substantial hardship to Mr. Coolidge in his attempt to construct any viable accessory structure upon his property. They found that the reduction of the side and rear yard setbacks to accommodate the placement of an open carport would not significantly depart from the intent of the bylaw and that its construction and use would not adversely impact the welfare of either the general public or of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the restriction that the front, sides and rear of the carport shall remain open.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Nicholas Maruca, 30 Vista Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Nicholas Maruca, 30 Vista Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, to allow the construction of a farmer's porch addition 25 ft. from the sideline of Vista Drive upon property located at 30 Vista Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 17 as Plot 33.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Mr. Maruca: What I'm looking to do is construct an approximately 16 ft. long, by the time it's finished with the eaves and soffits it will be in the area of about 7 ft. wide, covered porch off of the front of the house. Right now, I am at about 32.5 ft. from the

front of the home to the lot line. The house is kind of at an angle on the property so that's why the math adds up that way. I'm looking for 8 ft. and it only comes out to the 32 ft. that I have minus the 6 for the porch. I've got 27.5 ft. I'm asking for 25 ft. because I just want to make sure that with the eaves and everything it's all done the right way.

Mr. Rosen: Ron, where it says "from a sideline", is that from the front?

Mr. Maruca: No. I thought that that was a mistake.

Mr. Alarie: It's from the sideline of Vista Drive as opposed to the side lot line of the property. It's still the front yard setback where relief is needed.

Mr. Confalone: There's nowhere else you can put that.

Mr. Maruca: Right now, I walk out my front door and there's nothing there. I moved into the house about two years ago. I've been doing some renovations. Right now, I walk out the front door and I've got about 2.5 ft. of just precast concrete stairs that come down. We're looking to dress it up some. It's going to be a craftsman style porch with 6 by 6 posts. We're going to frame it in and taper the tops. If approved, it's going to be a nice piece.

Mr. Rosen: This is the side that's closest to the empty lot next to you?

Mr. Maruca: The empty lot is on the side of my house.

Mr. Rosen: Yes, right. That's the right side?

Mr. Maruca: No, no.

Mr. Rosen: I know that it's on the front, but it's on that side of your home?

Mr. Gordon: To the left of the garage.

Mr. Rosen: Okay. Facing the house, it's on the left?

Mr. Maruca: Facing the house, it's to the left of the garage.

Mr. Gordon: Where your child is doing a wonderful artistic job on the driveway.

Mr. Rosen: Do any board members have questions?

Mr. George: How wide is the landing on that porch going to be?

Mr. Maruca: The landing on the porch is going to be 6 ft.

Mr. Gordon: That's not going to have a cover on it, the steps?

Mr. Maruca: The steps won't have a cover on them.

Mr. Gordon: The steps won't be covered; just the porch will have a cover on it?

Mr. Maruca: Yes.

Mr. Rosen: Are there any other questions? Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

The decision of the board is on the following page.

Decision

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Nicholas Maruca, 30 Vista Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, to allow the construction of a farmer's porch addition 25 ft. from the sideline of Vista Drive upon property located at 30 Vista Drive.

Upon review of this appeal, the board concluded that the granting of the relief requested to permit the construction of the proposed farmer's porch, which will project just slightly closer to Vista Drive than the existing attached garage situated upon the subject premises, would not seriously depart from either the intent or the purpose of the Zoning Bylaw. They found that, due to the nonconforming configuration of this parcel, the literal application of the minimum terms of the bylaw would impose a substantial hardship to the appellant in his attempt to modify his home and that the construction of such an open structure to the front of his residence would not adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Richard C. Dumas, 24 Kenda Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Richard C. Dumas, 24 Kenda Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 10 ft. from the rear lot line of property located at 24 Kenda Road. The subject premises is described on the Shrewsbury Assessor's Tax Plate 45 as Plot 138-14.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Mr. Dumas: Can I approach?

Mr. Rosen: Sure.

(Mr. Dumas presented written materials to the board members.)

Mr. Dumas: You have a copy of the plot plan. Basically, I'm asking for 10 ft., but 15 ft. would probably suffice. I'm just giving myself a little bit of wiggle room just in case. We've played with different templates of pools.

Frankly, the photos that I gave you show the right rear side of the yard where a pool would fit a little easier, but I think it would be next to impossible to put it there. There's a ledge line that runs along the back. It would be almost impossible. Actually, I think that it would be impossible. In the photo lettered "A", you can see the bare spots. I had a swing set. It looks like there's grass, but I couldn't even get the stakes 4 down into the ground to secure the swing set.

I gave you a photo of the plot of the lot. That was original. Since then, we have put a new deck on. You can see a picture of it. That would encroach into the middle part of the yard. The deck was aboveboard, we applied for the permit through the building office, but it's not on the plot plan. That would make it much too narrow to put it there. Therefore, the only section of yard that would be left that would be viable would be the left rear corner of the yard.

The rectangular pool would fit in there beautifully. Unfortunately, the water's edge and your town code, 10 ft., isn't a problem on the abutting side to the left, but on the rear side I would need a few extra feet. I asked for 10 ft., but I would tell you right now I probably wouldn't need that much. We're playing with templates. We'll probably get it closer to 13 ft. to 15 ft., depending on where the steps would come out. We're talking with the pool company, McCarthy Pools. They're pretty reputable. We would make sure that the decking around it wouldn't be overly wide either.

The neighbors, I think that I marked it on the plot plan, who would be directly affected have no problems with it. They probably want to use it when it's in place. They don't have a problem with it. There would be a fence that would hide it.

Mr. Rosen: The tree line in the back, is that your property line?

Mr. Dumas: I'm sorry?

Mr. Rosen: Where the trees are in the back of the yard, are they on your property?

Mr. Dumas: I don't have the photos. We had several trees taken down in preparation for the pool. There are some trees in the back that are on our property.

Mr. Rosen: Is that the property line?

Mr. Dumas: I put stones. The large stones denote pretty accurately where it is. Actually, it goes back a few inches further than that. When we first moved in, the yard was graded. There were so many stones that came and there was no place or anything to do with them so I just put them along the boarder.

Mr. Rosen: Have you spoken with your neighbor directly behind you?

Mr. Dumas: Yes, the neighbor directly that I would affect. The neighbor directly in back, listed as neighbor A on the plot plan, and also on the side have no problem with it.

Mr. Rosen: Are there any questions?

Mr. Gordon: The hardship is the topography of the land?

Mr. Dumas: Yes, and there's a lot of ledge.

Mr. Gordon: It would be a financial hardship to remove the ledge. I think 10 ft. would be fine. If you want to move it in after that, I'm fine with that.

Mr. Dumas: I will give you my word that it will not be even the 10 ft. It will probably be 12 to 13 ft.

Mr. Gordon: That will be in his decision.

Mr. Dumas: Oh, I'm sorry.

Mr. Gordon: As you know, words sometimes get lost so it goes in the decision.

Mr. Dumas: Oh, okay, then 10 ft. is perfect.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Richard C. Dumas, 24 Kenda Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 10 ft. from the rear lot line of property located at 24 Kenda Road.

The board reviewed the appellant's proposal to install an in-ground swimming pool within the rear yard area of his property and found that topographical conditions and the presence of ledge severely restrict the placement of a pool upon this parcel. It was their opinion that the imposition of the minimum requirements of the Zoning Bylaw under such conditions would impose a substantial hardship to Mr. Dumas in his attempt to site a pool upon this property. They found that the reduction of the rear yard setback by 10 ft.

would not materially depart from the intent of the bylaw and that, when installed, it would not adversely impact the welfare of either the general public or his direct abutters. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Rene and Steve Olivieri, 24 Richard Ave., Shrewsbury, MA

PURPOSE: To hear the appeal of Rene and Steve Olivieri, 24 Richard Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and a variance to Section VII, Table II, to allow the construction of a second story addition upon property located at 24 Richard Ave. maintaining the existing nonconforming setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 27 as Plot 358.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Mr. Olivieri: May we approach with a plot plan. We also have some designs of the house. We have five copies of this and only one of this. I'm sorry that we didn't make more.

(Mr. Olivieri presented the materials to the board members.)

On this we added the farmer's porch. Would you like me to explain this real quickly? This is the current house, the front of the house, the back of the house. This right here is the proposed modification. We did ask them to correct this because we wanted a 6 ft. farmer's porch, which is what has been drawn on this. So, you'll see the addition of this little roof lip right here which is different from here, but everything else remains the same. So, again, the current house is this one and this would be the new one. This is the back of the proposed change as well.

Mr. George: Is the farmer's porch right here?

Mr. Olivieri: Yes, which is this porch right here. We may change and just put spindles right here.

Mr. Confalone: Nothing from here over is changing though?

Mr. Olivieri: No.

Mr. Confalone: Just up here?

Mr. Olivieri: We're changing this. On this side here we would add a door in the back of the house.

Mr. Confalone: Okay.

Mr. Olivieri: Originally, when they made the modification before we bought the home they turned the breezeway into the full kitchen. We're sort of turning it back into this becoming a mudroom and this becoming the kitchen. So, we're converting back.

Mr. George: The farmer's porch will go to this point here?

Mr. Olivieri: Correct. It will come out towards the edge of the garage. This is the back and this right over here comes up to the edge of the garage.

Mr. Confalone: Can you do what you just did for Mr. Gordon's benefit?

Mr. Olivieri: Sure. Would you like me to take all of these?

Mr. Confalone: Sure.

Mr. Olivieri: This is the current house so, here's the front. This is the back. We have a cape with a little dormer off the back. Before we bought the house about nine or ten years ago they converted the breezeway into a full kitchen, not a particularly favorable design for us at the moment. That's why we're looking to change and to build upwards. This is the proposed sketch.

Mr. Gordon: Okay, so you're going up only over the house now; not over the garage?

Mr. Olivieri: Not over the garage, correct. If you look right here there's a little roof over the kitchen door. We're just extending that farmer's porch roof to meet up and match.

Mr. Gordon: Yes. Okay, now that will become a breezeway again? Is that correct?

Mr. Olivieri: Yes. This will become a mudroom inside and the kitchen is the main part of the house.

Mr. Gordon: It's staying a one-car garage?

Mr. Olivieri: Yes. Yes, nothing to the side, only upwards and with a 6 ft. farmer's porch it comes out just a little bit. We just brought this one; this was a modification to the drawing because in this one it was a 4 ft. farmer's porch but when you make it a six we just had to correct the roofline. You can see that this one has a little roof coming over this section where that one did not.

Mr. Gordon: Okay.

Mr. Olivieri: This is the back of the house. There's a slider there.

Mr. Gordon: So, you're closing off that slider?

Mr. Olivieri: Right. We're taking this slider and moving it over to here and having a deck off of the back put on.

Mr. Gordon: All right.

Mr. Olivieri: Does that answer your question?

Mr. Gordon: Yes. I have no problems. Ron, the farmer's porch, is that going to require another variance?

Mr. Alarie: No. It was kind of a generic citation in the advertisement because there was a request in the appeal for a variance and a special permit, but since he didn't have the completed plans with it, I couldn't get specific in the ad as to a distance from the street. But the variance is referenced in the legal ad.

Mr. Gordon: Okay. We can finish it now, tonight?

Mr. Alarie: Yes.

Mr. Gordon: This second story is pretty much what we approved on Maple Circle except that it's probably a little bit fancier?

Mr. Alarie: There are a couple of homes in this neighborhood where the second stories have been added in the recent past.

Mr. Gordon: I'm all set.

Mr. Rosen: Okay. If it weren't for the farmer's porch, then it would just be a special permit?

Mr. Alarie: The second-story addition requires the issuance of the special permit due to the nonconforming setbacks.

Mr. Rosen: It would just be a special permit if it weren't for the farmer's porch?

Mr. Alarie: Correct and, as I said, the Table II variance referenced would be for that extension towards the front setback for the porch.

Mr. Rosen: Okay. Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Rene and Steve Olivieri, 24 Richard Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and a variance to Section VII, Table II, to allow the construction of a second story addition upon property located at 24 Richard Ave. maintaining the existing nonconforming setbacks of said property.

The appellants' property is legal nonconforming with respect to its land area and its front yard setback. They propose to construct a second story addition over a portion of the existing structure and to add a farmer's porch to its front elevation. The second story addition would maintain the dwelling's existing front yard and southerly side yard setbacks and the porch would reduce the existing front yard setback by 2 ft.

The board found that, upon review of this appeal, the proposed alterations and expansion of the Olivieri's home would not materially change its nonconforming configuration and that the reduction of the front yard setback by 2 ft. for the open farmer's porch would not significantly depart from the intent of the Zoning Bylaw. They noted that the existing structure is of Cape-style construction and it was their opinion that its conversion to a Colonial-style residence would compliment the general character of many of the other homes within this neighborhood. They also found that the issuance of the special permit and the variance to effect the appellants' plans would not create any condition that would adversely impact the welfare of either the general public or area residents and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Vasilios Kouvaros and Vasiliki Kouvaros, 36 Minuteman Way, Shrewsbury, MA

PURPOSE: To hear the appeal of Vasilios Kouvaros and Vasiliki Kouvaros, 36 Minuteman Way, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the removal and the replacement of the single family dwelling situated upon property located at 220A South Quinsigamond Ave. maintaining the existing nonconforming setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 45 as Plot 75.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Atty. Ricker: Good evening Mr. Chairman and members of the board. My name is Richard Ricker. I'm representing Mr. and Mrs. Kouvaros relative to this request for a special permit.

(Atty. Ricker presented a photo to the board.)

I do have a photo that I would like to start passing around which shows the existing house on the lot as it sits now. You have a plot plan also in your package, I believe, which shows the shape of the lot being long and narrow and somewhat triangular. The Kouvaroses simply wish to remove the existing structure on this lot, as it's shown on the plot plan, and replace it with a new house which will be their own home.

This is the view from the southerly direction and this is the view from the east, as it faces the roadway, South Quinsigamond Avenue. As you can see from the plot plan which was submitted with the filing, it's basically the same size house. It's slightly bumped out towards the southerly sideline, but that doesn't cause any setback issue at all. It would utilize the same setback on the northerly sideline that the present house utilizes.

As you may know if you've looked at this lot, which I know at least some of you have, there is a retaining wall on the northerly sideline that is deteriorating. This whole house has basically deteriorated, the one on the lot. It has been in Mr. Kouvaros' family since the 1930's. In fact, he did live in this house at one time. Over the years, it has deteriorated and it's aged. It has various issues. There's some rot of the beams and it has all of the problems of an old house with foundations and things like that. So, they've determined that it's better to basically remove the structure and replace it with a new structure. That's the reason for the request, again, to utilize the same setbacks that are there where, as you can see from the plot plan, the closest point is to the northerly side line is 6 ft. 8 in. They also would utilize the same setback from the lake which is approximately 33 ft.

I would suggest to you, respectfully, that he has talked to his neighbors. He has agreed to rebuild the retaining wall as part of this overall construction. As far as we know, there is no concern or objection whatsoever from the neighbors. This is for a single family use. There will be no additional traffic, no offensive nature to this at all and certainly no danger or harm to the neighborhood. I would suggest that it fits all the requirements of a special permit. If you'd like, I can show you other views.

This would be the view from the lake side and this would be the side that backs up to the retaining wall on the northerly sideline. So, basically, it's a replacement of the existing structure. They also do anticipate doing some work on the retaining walls on the lake side as you can imagine would be common in this type of situation.

Mr. George: Is that going to be a three-level house or is that a walkout basement?

Atty. Ricker: It's a walkout basement.

Mr. Kouvaros: It's a walkout basement now. You can walk out now. It exists and there's a patio in the back on the water side.

Atty. Ricker: Because of the beams inside, you have to be careful and duck a little bit.

Mr. Kouvaros: Yes, it's very low. It's very dangerous too. If you want to look at any other pictures from the lake side, I also have them. Would you like to see them?

Mr. Richards: If you want to pass them around, sure.

(Mr. Kouvaros presented the pictures to the board.)

Mr. Rosen: You said the square footage is going to be roughly the same?

Mr. Kouvaros: It will be 4 ft. longer. What we did was shorten the house and extend the garage because you can't park anything there because it's only about 9 ft. wide and 19 ft. long. You can't put a car there. We're going to go to the east side 4 ft. It's 58 now and it's going to be 62 ft.

Mr. Gordon: So, the total square footage of living space in that house will be?

Mr. Kouvaros: It will be 1,735 sq. ft.

Mr. Gordon: You're just going up one story?

Atty. Ricker: Yes.

Mr. Kouvaros: Well, there are two stories now.

Mr. Gordon: Okay.

Mr. Kouvaros: So, it's going to be the same except on the bottom there's going to be 22 ft. by 40 ft. and the top is going to be 22 ft. by 32 ft.

Atty. Ricker: I think that it looks a little bit deceptive because of the grade.

Mr. Gordon: You're not going to overwhelm the lot?

Mr. Kouvaros: No. It's almost the same size.

Mr. Confalone: It's in character with the existing home.

Mr. Kouvaros: Well, we tried to do the same, to make it look the way that it used to.

Atty. Ricker: It's much smaller than some of the structures in the area, especially the one that is immediately adjacent to it as well.

Mr. Confalone: Yes, just that, when you update it, it will cost you almost as much to update it as it would to just tear it down and build a new house.

Atty. Ricker: And you don't end up with the kind of structure that you want. I mean, these folks are going to live there themselves. They don't want to be dealing with the

issues of an older house that, basically, has rot issues and things like that and foundation issues. I wouldn't want to deal with it.

Mr. Rosen: You said that you were going to be living there?

Mr. Kouvaros: Yes, we will.

Mr. Rosen: Are there any other questions? Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Vasilios Kouvaros and Vasiliki Kouvaros, 36 Minuteman Way, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the removal and the replacement of the single family dwelling situated upon property located at 220A South Quinsigamond Ave. maintaining the existing nonconforming setbacks of said property.

The subject parcel was created and developed long before the institution of zoning in Shrewsbury and is nonconforming with respect to its frontage, area and northerly side yard and rear yard setbacks. The lot is relatively long and narrow extending from South Quinsigamond Ave. to the easterly shoreline of Lake Quinsigamond. It has just over 27 ft. of road frontage, approximately 77 ft. of lake frontage and has an average depth of about 206 ft. The appellants' propose to remove the existing single family home situated thereon and to construct in its place a new residence that will be approximately the same width but slightly longer that will maintain the existing aforementioned nonconforming setbacks.

Upon review of this appeal, the board noted that the existing residence, which was built sometime in the 1920's or 30's, is deteriorated and in need of repair. It was their opinion that its replacement with a new structure of relatively equal size and configuration and maintaining virtually the same footprint as the existing structure would not materially change the nonconforming features of this property. They found that the new dwelling, when completed, would compliment the general character of other homes within this vicinity of South Quinsigamond Ave. and that its siting would not adversely impact the welfare of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes

PURPOSE: To hear the appeal of Michele and Kent Taft, 62 Mercury Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, to allow the construction of an addition 21 ft. from the sideline of Mercury Drive upon property located at 62 Mercury Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 10 as Plot 137.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Mr. Taft: Good evening. What we're looking to do is we're looking to add onto our house. As you may have heard, we have an addition to the family so we're looking for a little bit more space. We opted to keep it kind of the ranch style.

We currently have an existing carport. If you're looking at the front of our house, it's to the left of our house. We'd like to knock the carport down, put a two-car garage, a bit of a breezeway as a second entrance and go back a little farther than the existing foundation. I do have a survey done from Andrews Surveying. We put together a picture of what we're proposing. I can certainly pass that around.

(Mr. Taft presented the materials to the board.)

What we're looking for is really only 3 ft. out in front of the house. When we were thinking about doing it, we decided that, rather than having it go straight across, which we thought it would look rather odd, we're looking for it to come out just a couple of feet to kind of give it a little different look.

Mr. Rosen: It's pretty much going to be matching the siding that's on the existing house?

Mr. Taft: Yes.

Mr. Rosen: Have you spoken with your neighbors?

Mr. Taft: Yes, I have. They have no problems with it.

Mr. George: He needs the variance for the front?

Mr. Confalone: Yes, he needs some.

Mr. Taft: Yes. I think I have, what, 24.5 ft.

Mr. Confalone: The garage can't go back flush with the house because of why?

Mr. Taft: Well, it could. Aesthetically, we don't think that it would be all that good looking. Also, if we did, it would have to go back, I think, an additional 5 ft. because I think that you need 30 ft. here.

Mr. Confalone: Yes, it wouldn't matter anyway variance-wise.

Mr. Rosen: Well, it would just be a special permit wouldn't it Ron?

Mr. Alarie: If they maintained the existing setback, they would then seek a special permit. If they choose to push it back into conformance with the 30 ft. front setback that would push it behind the front line of the house as it exists now.

Mr. Gordon: Okay.

Mr. George: You want to stay away from the pool area now? Is that what the purpose to come forward was as well?

Mr. Taft: Yes. I originally thought that we had more room out front so he brought it out about 6 ft. and put a porch on it. Then, after the survey, we'll take the 3 ft. if we can get it.

Mr. Rosen: Did you put the pool in or was it there when you bought it?

Mr. Taft: It was there when we bought the house.

Mr. Alarie: Mr. Taft, although it's about 21 ft. to the property line, do you have any feeling as to how far you are out from the actual edge of the road? There are no sidewalks in that vicinity, correct?

Mr. Taft: There are no sidewalks, no. I think on the survey it was, what, 24 .5 ft. from the road.

Mr. Alarie: That's to the property line.

Mr. Taft: Yes.

Mr. Alarie: Then there's a grass plot. Do you know how wide that is?

Mr. Taft: If I understand it correctly, forgive me I'm a little nervous, after the width of the 27 ft., I think that it's about 10.5 ft. up to the neighbor's property line. Is that what you're looking for?

Mr. Alarie: No. The distance from where your existing house is to the right-of-way line is 24.5 ft. How far out is it to the actual paved surface of Mercury Drive? Do you have a feeling of how wide that grass plot is?

Mr. George: Another 6 ft. maybe.

Mr. Taft: I'm sorry; what?

Mr. George: Maybe another 6 ft. on top of that.

Mr. Taft: Yes, that's probably about right, somewhere in that neighborhood.

Mr. Rosen: Are there any other questions? Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

The decision of the board is on the following page.

Decision

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Michele and Kent Taft, 62 Mercury Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, to allow the construction of an addition 21 ft. from the sideline of Mercury Drive upon property located at 62 Mercury Drive.

There is a carport attached to the northerly side of the appellants' home which they propose to remove and to then construct a 27 ft. by 37 ft. addition to that side of the structure. The existing house is sited 24.5 ft. from the sideline of Mercury Drive, which is a legal nonconforming setback, and they seek relief to allow the addition to project 3 ft. closer to the road. There is a swimming pool within the rear yard of the property that is situated somewhat directly behind the proposed addition that limits its depth or relocation towards the rear of the lot.

It was the board's opinion that, due to the siting of the existing structures upon the subject premises, literal application of the minimum provisions of the Zoning Bylaw to this parcel would impose an undue hardship to the Tafts in their attempt to expand their residence. They noted that, although the proposed addition would maintain a front yard setback of 21 ft., it would actually sit about 27 ft. from the actual edge of the traveled way. They also noted that the Mercury Drive neighborhood was developed in the early 1960's and that many of the properties therein have varying nonconforming front yard setbacks. They found that the reduction of the site's existing front yard setback by 3 ft. would not materially depart from the intent of the bylaw or have any negative impact upon the welfare of either the general public or area residents. It was therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Kambiz Shadloo and Sharifeh Haghayeghi, 41 Avon Ave.,
Shrewsbury, MA.

PURPOSE: To hear the appeal of Kambiz Shadloo and Sharifeh Haghayeghi, 41 Avon Ave., Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side and Rear Yard Requirements, Residence B-2 District, to allow the construction of an addition 5 ft. and 22 ft. from the side and rear lot lines, respectively, of property located at 41 Avon Ave. The subject premises is described on the Shrewsbury Assessor's Tax Plate 32 as Plot 2.

PRESENT: Ronald I. Rosen, Chairman, Paul M. George, Melvin P. Gordon, Alfred C. Confalone, Dale W. Schaetzke, and Ronald S. Alarie, Building Inspector.

Mr. Rosen opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 22, 2006 and May 29, 2006.

Mr. Rosen: Please make your presentation.

Mr. Shadloo: I am Mr. Shadloo and this is Mr. Chris Gamache.

Mr. Gamache: My name is Chris Gamache with Gamache Construction. I'm here in case there are any questions that they can't handle. I figured that I would come and sit in and see if I can help.

Mr. Rosen: Would you just tell us what you're doing, what your project is?

Mr. Shadloo: A garage is going to be built on this side of the house.

Mr. Gamache: They're hoping build a two-car garage. The lot doesn't allow for a two-car garage side by side, so we're looking to get a single-car garage deep enough to park two vehicles in. We have a letter from the neighbors next door giving their approval because we have to be within 5 ft. of the lot line.

We're also looking for a variance in the rear of the lot in order to park the two vehicles. We're looking to put a mudroom in between the house and the garage and to give it a nice cosmetic look from the street. It also helps out the roofline so that we don't have the frame of the roof coming right into the side of the house causing any future water problems.

Mr. Rosen: The siding and everything is going to match the existing building?

Mr. Gamache: Exactly.

Mr. Rosen: The roof?

Mr. Gamache: The same pitch, yes.

Mr. Rosen: Are you going to tie it in to the same roofline?

Mr. Gamache: Yes. That's why we threw the mudroom in there too. We want it to tie in nice cosmetically. We didn't just want a big long garage on the side of the house. We wanted to make sure that, cosmetic-wise, it looked nice.

Mr. Rosen: What is the hardship in granting the variance?

Mr. Confalone: Can you put it anywhere else?

Mr. Rosen: Is there anywhere else you can put it?

Mr. Gamache: We were unable to build on the right-hand side of the house.

Mr. Shadloo: No. The sewer goes underneath.

Mr. Gamache: Yes, there's a sewer line that runs there so we were unable to build on that side of the house. It's a very small lot.

Mr. Rosen: Okay.

Mr. Alarie: You can see that the lot is nonconforming in terms of frontage and area. It's an older neighborhood. The lots all predated zoning.

Mr. Gordon: The hardship is in the land, the size of the land and the topography.

Mr. Alarie: Mr. Chairman, it's similar to an appeal at last month's hearing when we had a proposed structure to be constructed tight to the property line. You granted that appeal and conditioned your decision requiring a certified plot plan. If you were inclined to grant this, would you consider including a requirement that they get a certified plot plan after the foundation is installed to insure that the setback is met?

Mr. Rosen: Right.

Mr. Gamache: Would that be like an "as-built?"

Mr. Alarie: Correct.

Mr. Gamache: Okay, yes.

Mr. Gordon: I think that that's a good idea.

Mr. Confalone: I guess that, as each one comes up, we want to do that.

Mr. Rosen: On a tight line like that, I would agree.

Mr. Alarie: When they get that close, sometimes it can get a little tight and get a little closer than what the board grants or what the original intention was.

Mr. Rosen: Is there anyone in attendance who would like to comment on this petition? There being none, we'll take it under advisement and notify you of the board's decision.

Decision

On June 6, 2006, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Kambiz Shadloo and Sharifeh Haghayeghi, 41 Avon Ave., Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side and Rear Yard Requirements, Residence B-2 District, to allow the construction of an addition 5 ft. and 22 ft. from the side and rear lot lines, respectively, of property located at 41 Avon Ave.

The subject property was developed prior to the adoption of current zoning and is nonconforming with respect to its frontage, area and front yard setback. The board noted that, due to the size of this lot, the existing structure cannot be expanded in any viable manner in conformance with the current setback requirements set forth in Table II of the Zoning Bylaw. It was their opinion that this condition presents an undue hardship to the appellants in their attempt to add a garage to their home. As a result of the limited building envelope available upon the property, the proposed garage, in order to accommodate two vehicles, had to be designed narrow and deep so that the cars must be parked one behind the other rather than side by side. It was their opinion that, in this instance, the reduction of the side and rear yard setback requirements as proposed would not severely derogate from the intent of the Zoning Bylaw and that the construction of the garage would not create any condition which would adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the requirement that a plot plan prepared by a registered land surveyor certifying the location of the foundation of the proposed structure, once installed, shall be submitted to the board.

Vote

Mr. Rosen	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Confalone	Yes
Mr. Schaetzke	Yes